

## **EXHIBIT D**

LAW OFFICES OF SANDER BUDANITSKY, LLC  
520 WEST FIRST AVENUE  
ROSELLE, NEW JERSEY 07203  
(908)241-3445 \* FAX (908)241-4595  
ATTORNEY FOR PLAINTIFF  
ATTORNEY ID # 18381996

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LORI TAMI,

Plaintiff(s),

v.

N.J. TRANSIT CORP., et al

Defendant(s),

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - UNION COUNTY  
DOCKET NO.: UNN-L-3645-16

CIVIL ACTION

NOTICE OF MOTION TO AMEND  
PLAINTIFF'S COMPLAINT

PLEASE TAKE NOTICE that on Friday, August 18<sup>TH</sup>, 2017, at 9:00 a.m. in the forenoon or soon thereafter as counsel may be heard the undersigned attorney for the plaintiff, Lori Tami, will move before this Court for an Order for Leave to File an Amended Complaint.


PLEASE TAKE FURTHER NOTICE that plaintiff will rely on the Certification of Counsel annexed hereto.

Arbitration date: None

Settlement Conference date: None

Trial date: None

Pursuant to R.1:6-2 the undersigned request that this matter be submitted to the Court for a ruling on the papers unless opposition is filed by the Defendants. If an opposition is filed by the Defendant, the Plaintiff requests that this matter be set down for oral argument. A proposed form of Order is annexed hereto.

  
By: Sander Budanitsky  
Attorney for Plaintiff

Dated: July 24, 2017

LAW OFFICES OF SANDER BUDANITSKY, LLC  
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ROSELLE, NEW JERSEY 07203  
(908)241-3445 \* FAX (908)241-4595  
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LORI TAMI,

Plaintiff(s),

v.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - UNION COUNTY  
DOCKET NO.: UNN-L-3645-16

CIVIL ACTION

N.J. TRANSIT CORP., et al

CERTIFICATION of COUNSEL

Defendant(s),

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I, Sander Budanitsky, Esquire, hereby Certify and say:

1. I am an attorney at law of the State of New Jersey, attorney for Plaintiff and I am fully familiar with the facts as set forth herein.

2. This Certification is made in support of Plaintiff's Motion for an Order granting Plaintiff leave to Amend the Complaint to include an additional party, and more specifically, United States of America.

3. This matter arises out of a motor vehicle collision in which plaintiff filed a Complaint against, the Defendant(s), William Butler, Jr., N.J. Transit Corp., James Griffin and United States Air Force.

4. 28 U.S.C. sec. 2679 provides that an action against the United States Air Force and their agents and/or employees for money damages should be brought against the United States of America.


5. Review of this matter revealed that the United States of America should have been named as a direct Defendant in this action.

6. It is respectfully requested that leave be granted to amend the Complaint to add the United States of America as a Defendant.

7. A proposed Amended Complaint is attached hereto as Exhibit "A".

I hereby Certify that if the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: July 24, 2017

  
By: Sander Budanitsky  
Attorney for Plaintiff

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ATTORNEY FOR PLAINTIFF  
ATTORNEY ID # 18381996

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LORI TAMI,

Plaintiff(s),

v.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - UNION COUNTY  
DOCKET NO.: UNN-L-3645-16

CIVIL ACTION

N.J. TRANSIT CORP., et al

PROOF of MAILING

Defendant(s),

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I, Claudia Cardenas, hereby state as follows:


On or about July 24<sup>th</sup>, 2017, a copy of this Notice of Motion, Certification of Counsel, Proposed form of Order, and Proof of Mailing was sent via 1<sup>st</sup> Class Mail to:

Office of the Motion's Clerk, Superior Court of New Jersey, Essex County - Law Division, 50 W. Market Street, Newark, N.J. 07102;

Jaclyn M. Frey, Esq., STATE OF NEW JERSEY, Office of the Attorney General, Department of Law & Public Safety, Division of Law, 25 Market Street, Post Office Box 116, Trenton, N.J. 08625-0116; &

Andrew J. Calcagno, Esq., Calcagno & Associates, 213 South Street East, 2<sup>nd</sup> Floor, Cranford, N.J. 07016.

I certify that the foregoing statements made be me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

  
\_\_\_\_\_  
Claudia Cardenas,  
Paralegal to  
Sander Budanitsky, Esq.

DATED: July 24, 2017

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ATTORNEY FOR PLAINTIFF  
ATTORNEY ID # 18381996

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LORI TAMI,

Plaintiff(s),

v.

N.J. TRANSIT CORP., et al

Defendant(s),

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - UNION COUNTY  
DOCKET NO.: UNN-L-3645-16

CIVIL ACTION

ORDER

This matter having been opened to the Court by Sander Budanitsky, Attorney for Plaintiff, Lori Tami, and the Court having considered the moving papers within, and good cause having been shown; and it is further;

IT IS on this \_\_\_\_\_ day of \_\_\_\_\_, 2017;

ORDERED, that the Plaintiff be and is hereby granted leave to file an Amended Complaint within fourteen (14) days hereof; and it is further;

ORDERED, that a copy of this Order be served upon all parties  
within \_\_\_\_\_ days of the date of the signing hereof.

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J.S.C.

\_\_\_\_\_ Opposed  
\_\_\_\_\_ Unopposed



**Exhibit "A"**

LAW OFFICES OF SANDER BUDANITSKY, LLC  
520 WEST FIRST AVENUE  
ROSELLE, NEW JERSEY 07203  
(908)241-3445 \* FAX (908)241-4595  
ATTORNEY FOR PLAINTIFF  
Attorney ID # 18381996

\_\_\_\_\_  
LORI TAMI,

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - ESSEX COUNTY  
DOCKET NO.: ESX-L-

Plaintiff(s),

v.

CIVIL ACTION

WILLIAM E. BUTLER, JR.,  
N.J. TRANSIT CORP., JAMES GRIFFIN,  
UNITED STATES AIR FORCE and/or  
UNITED STATES OF AMERICA,

COMPLAINT AND JURY DEMAND

\_\_\_\_\_  
Defendant(s),

Plaintiff, LORI TAMI, residing in the City of Elizabeth,  
County of Union and State of New Jersey, by way of complaint  
against the Defendants, says:

FIRST COUNT

1. On or about the 16<sup>th</sup> day of November 2014, the Plaintiff,  
LORI TAMI, was a passenger in a motor vehicle operated by  
Defendant, WILLIAM E. BUTLER, JR., and owned by Defendant, N.J.  
TRANSIT CORP., which was traveling North on the New Jersey  
Turnpike in the City of Newark, County of Essex and State of New  
Jersey.

2. At all times relevant and material to this Complaint, the  
Defendant(s), WILLIAM E. BUTLER, JR., operated the motor vehicle  
owned by the Defendant, N.J. TRANSIT CORP., with the permission and  
consent, express or implied, of said owner.

3. At all times relevant and material hereto, the Defendant, **WILLIAM E. BUTLER, JR.**, was an employee, agent and/or servant of the Defendant, **NJ TRANSIT CORP.**, acting within the scope of his/her employment and/or agency.

4. At the above time and place, the Defendant, **WILLIAM E. BUTLER, JR.**, failed to keep his/her vehicle under reasonable and proper control and so carelessly, recklessly and negligently operated his/her motor vehicle, among other things, failing to make proper observations, driving at an excessive rate of speed, and being otherwise inattentive, so as to cause his/her motor vehicle to violently collide with the Plaintiff's vehicle.

5. This accident resulted solely from the negligence and carelessness of the Defendant(s) herein and was due in no part on any act, or failure to act, on the part of the Plaintiff(s).

6. As a direct and proximate result of the foregoing, the decedent Plaintiff, **LORI TAMI**, was caused to sustain serious, painful and permanent injuries, has experienced great pain and suffering, has suffered great shock and mental anguish, will in the future experience great pain and suffering, was caused to incur great expenses for medical care and attention, will in the future incur additional expenses, was caused to lose large sums of money for wages she would have earned but for her injuries and will in the future lose large sums of money for wages, and has in the past, and will in the future, lose her right to the full enjoyment of life.

WHEREFORE, the Plaintiff, ROSEBETH MESADIEU, hereby demands judgment against the Defendants, WILLIAM E. BUTLER, JR. and/or NJ TRANSIT CORP., both jointly and severally, together with interest and cost of suit.

SECOND COUNT

1. The Plaintiff, LORI TAMI, repeats each and every allegation of the First Count herein, and makes the same a part hereof.

2. At all times relevant and material to this Complaint, the Defendant(s), JAMES GRIFFIN, operated the motor vehicle owned by the Defendant, UNITED STATES AIR FORCE and/or UNITED STATES OF AMERICA, with the permission and consent, express or implied, of said owner.

3. At all times relevant and material hereto, the Defendant, JAMES GRIFFIN, was an employee, agent and/or servant of the Defendant, UNITED STATES AIR FORCE and/or UNITED STATES OF AMERICA, acting within the scope of his/her employment and/or agency.

4. At the above time and place, the Defendant, JAMES GRIFFIN, failed to keep his/her vehicle under reasonable and proper control and so carelessly, recklessly and negligently operated his/her motor vehicle, among other things, failing to make proper observations, driving at an excessive rate of speed, and being otherwise inattentive, so as to cause his/her motor vehicle to violently collide with the Plaintiff's vehicle.

5. This accident resulted solely from the negligence and carelessness of the Defendant(s) herein and was due in no part on any act, or failure to act, on the part of the Plaintiff(s).

6. As a direct and proximate result of the foregoing, the decedent Plaintiff, LORI TAMI, was caused to sustain serious, painful and permanent injuries, has experienced great pain and suffering, has suffered great shock and mental anguish, will in the future experience great pain and suffering, was caused to incur great expenses for medical care and attention, will in the future incur additional expenses, was caused to lose large sums of money for wages she would have earned but for her injuries and will in the future lose large sums of money for wages, and has in the past, and will in the future, lose her right to the full enjoyment of life.

WHEREFORE, the Plaintiff, LORI TAMI, hereby demands judgment against the Defendants, JAMES GRIFFIN, UNITED STATES AIR FORCE and/or UNITED STATES OF AMERICA, for such sums as would reasonably and properly compensate him in accordance with the laws of the State of New Jersey together with interest, costs of suit and attorneys fees.

DATED: July 25, 2017

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Sander Budanitsky, Esq.  
Attorney for the Plaintiff(s)

JURY DEMAND

Plaintiff demands a trial by jury as to all Counts of the within Complaint.

DATED: July 25, 2017

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Sander Budanitsky, Esq.  
Attorney for the Plaintiff(s)

**CERTIFICATION OF NO OTHER ACTIONS**

Pursuant to Rule 4:5-1, it is stated that the matter in controversy is not the subject to any other action pending in any other court or of a pending arbitration proceeding to the best of my knowledge or belief. Also, to the best of our belief, no other action or arbitration proceeding is contemplated. Further, other than the parties set forth in this pleading, I know of no other parties that should be joined in the above action. In addition, we recognize the continuing obligation of each party to file and serve on all parties and the Court an amended certification if there is a change in the facts stated in this original certification.

DATED: July 25, 2017

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Sander Budanitsky, Esq.  
Attorney for the Plaintiff(s)

**DESIGNATION OF TRIAL COUNSEL**

PLEASE TAKE NOTICE that pursuant to Rule 4:25-4, Sander Budanitsky, Esq., is hereby designated trial counsel.

DATED: July 25, 2017

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Sander Budanitsky, Esq.  
Attorney for Plaintiff